

**Article 4: Subdivision Regulations**  
**Division 5: Condominium Conversion Regulations**  
*(Added 3-8-2004 by O-19266 N.S.)*

**§144.0501 Purpose of Condominium Conversion Regulations**

The purpose of the Condominium Conversion Regulations is to provide for the conversion of apartments to condominiums while protecting the interests of the tenants by providing them with adequate notice of proposed condominium conversions, advising them of their rights with respect to the conversion of their apartment to a condominium, and affording them reasonable relocation assistance. It is also the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the applicant to provide certain information regarding the condition of the structure and to include reasonable improvements that will further the intent of these regulations.~~The purpose of these regulations is to provide for the conversion of apartments to condominiums while, at the same time, protecting the interests of tenants by giving them notice of the proposal and assuring specified tenants that during times of tight rental markets there will be provided reasonable assistance in relocating their places of residence. It is also the intent of these regulations that tenants of condominium conversion projects be given adequate notice of any such proposals.~~  
*(Added 3-8-2004 by O-19266 N.S.)*

**§144.0502 When Condominium Conversion Regulations Apply**

This division applies to any *development* that proposes a change in ownership from a *single structure* or group of *structures* used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the State of California.

**§144.05023 Fees and Deposits**

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall deposit with the City an amount equal to \$200 for each unit proposed to be converted which is occupied by a tenant eligible for relocation assistance. The funds shall be used by the City of San Diego to reimburse the Housing Commission for its costs incurred in monitoring compliance with the obligations set forth under this division and in providing technical assistance to assist eligible tenants in their relocation. If the costs incurred by the Housing Commission exceed the amount deposited by the *applicant*, an additional deposit shall be made by the *applicant* equal to the original deposit. Nothing contained in this

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division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

*(Added 3-8-2004 by O-19266 N.S.)*

**§144.0504 Building Conditions Report**

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect, structural engineer, or other professional licensed by the State of California to perform these services.
- (b) A condominium conversion shall not be approved until the applicant submits the Building Conditions Report and the City accepts the report as complete.
- (c) The applicant shall record the Building Conditions Report with the County Recorder prior to filing a final map.
- (d) A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to opening of an escrow account.
- (e) An updated Building Conditions Report shall be required when the 180 Day Notice Prior to Termination of Tenancy, as required in Section 125.0431 is provided to tenants five years or more after the date of the City approval for a condominium conversion map.

**§144.05035 Tenant Benefits, Rights and Obligations**

- (a) The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.05035(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.
- (b) The *applicant* shall provide a relocation assistance payment ~~equivalent to three months' current rent~~ to all tenants of the project whose income is less than 100 percent of area median income (as calculated by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area). The assistance payment shall be equivalent to the sum of the average of the three months rental payments based on the rent for the three months prior to receipt of the notice to vacate. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the *premises*.  
*(Added 3-8-2004 by O-19266 N.S.)*

**§144.05046 Vacancy Rate Determination and Suspension of Relocation Payment**

- (a) On or before March ~~April~~ 1, 200~~65~~, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded seven percent on a City-wide basis for the previous calendar year, then the payment of relocation benefits pursuant to section 144.0504~~(a)~~ shall not apply to *condominium conversions* in the calendar year starting March ~~April~~ 1 of that year.
- (b) On or before March 1 of each year, the Planning Department staff shall submit to the Planning Commission ~~in March of each year a~~ written report identifying the vacancy rates for residential rental units in the City. ~~as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average.~~ The report, which shall include an annual average vacancy rate, is to be based on the results of a survey of rental apartments to be taken during the months of March through May and again during the months of September through November ~~January and July~~ of each year, plus any other reliable information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and ~~/or~~ other interested parties.  
*(Added 3-8-2004 by O-19266 N.S.)*

**§144.0507 Development Regulations for Condominium Conversions**

- (a) Electrical – Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter (GFCI) protection. GFCI protection shall be provided as is required by the prevailing California Electrical Code in areas such as bathrooms and kitchens.
- (b) Windows – Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing editions of the California Building Code.
- (c) Smoke alarms – Smoke alarms shall be installed within dwelling units and designed to operate as is required in the prevailing editions of the California Building Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup. Within sleeping rooms smoke alarms shall include a visual notification device to notify hearing impaired occupants.

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- (d) Landscape – Street trees and street yard landscape shall be provided in accordance with Section 142.0410.
- (e) Integral building components – Integral building components with a remaining life of five years or less, as identified in the Building Conditions Report, shall be replaced. Integral Building Components are structural elements, materials, and systems necessary for the sustained functioning of a building for the health, fire-life-safety, and well being of the building occupants as required by the building regulations. They include, but are not limited to, exterior roofs; wall and floor coverings needed to protect the building from weather damage; vertical and horizontal structural components needed for the building to resist imposed vertical and lateral loads; all heating ventilation; heating; and utilities distribution systems.

**§144.0508 Deviations from the Development Regulations for Condominium Conversions**

Deviations to the requirements in Section 144.0507 may be requested in accordance with a Process Four Site Development Permit.

**§126.0502 When a Site Development Permit Is Required**

- (d) A Site Development Permit decided in accordance Process Four is required for the following types of development.
  - (1) Within *historical districts* or when *designated historical resources* are present, unless exempt under Section 143.0220:
    - (A) *Subdivisions*;
    - (B) Single or multiple unit residential *development*;
    - (C) Commercial or industrial *development*;
    - (D) Public works projects; and
    - (E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.
  - (2) Where *historical resources* other than *historical districts* or *designated historical resources* are present, unless exempt under Section 143.0220:
    - (A) *Subdivisions*;
    - (B) *Multiple dwelling unit* residential *development*;
    - (C) Commercial or industrial *development*;
    - (D) Public works construction projects; and
    - (E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.
  - (3) *Subdivision* of a *premises* that contains *environmentally sensitive lands*, as described in Section 143.0110.
  - (4) *Development* that deviates from any portion of the *environmentally sensitive lands* regulations, as described in Section 143.0110.
  - (5) *Development* for which the *applicant* seeks a deviation from the applicable development regulations as an

additional development incentive to a *density* bonus for affordable housing under Section 143.0750.

- (6) Development for which the applicant seeks a deviation from the development regulations in Section 144.0507 for condominium conversions.

#### **§126.0504 Findings for Site Development Permit Approval**

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (m) that are applicable to the proposed *development* as specified in this section.

- (a) Findings for all Site Development Permits
  - (1) The proposed *development* will not adversely affect the applicable *land use plan*;
  - (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
  - (3) The proposed *development* will comply with the applicable regulations of the Land Development Code.

#### (n) Supplemental Findings - Condominium Conversions

A Site Development Permit required in accordance with Section 144.0508 because of potential impacts to the surrounding neighborhood may be approved or conditionally approved only if the decision maker makes either of the following supplemental findings in addition to the findings in Section 126.0404(a):

- (1) The decision maker has considered the project-specific constraints and has determined that as proposed the condominium conversion would, to the maximum extent feasible, address the requirements, and has been developed to provide specific community benefits; or
- (2) Strict adherence to the requirements would result in a project that would result in the demolition of, or loss of the architectural character of structures that contribute to the community character.

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### **§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**

This division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Table 143-03A**  
**Supplemental Neighborhood Development Permit or Site Development Permit**  
**Regulations Applicability**

<b>Type of Development Proposal</b>	<b>Applicable Sections</b>	<b>Required Development Permit/Decision Process</b>
Affordable/In-Fill Housing Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Site Containing <i>Historical Resources</i>	143.0201-143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming</i> Parking for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	141.0410-141.0440, 132.0801-132.0804, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three

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<b>Type of Development Proposal</b>	<b>Applicable Sections</b>	<b>Required Development Permit/Decision Process</b>
3,000 Feet of Frontage or Where City Standards Do Not Apply		
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0710-143.0740	SDP/Process Three
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0760	SDP/Process Four
<u>Condominium Conversions with Deviations from Development Regulations</u>	<u>143.0303, 143.0305, 143.0360, 143.0370, 143.0375,</u>	<u>SDP/Process Four</u>
Multiple Dwelling Unit Development in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.0401-132.0406, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five



**§125.0431 Additional Notice for a Condominium Conversion Map**

- (a) For a *tentative map* for a *condominium conversion* project, the *subdivider* shall provide the following notices in addition to the notice provided for in Chapter 11, Article 2, Division 3 (Notice):
- (1) Notice to each tenant of the proposed project required in the *Subdivision Map Act* section 66427.1; and
  - (2) Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* section 66452.8;
  - (3) A summary of the tenant benefits provided pursuant to section 144.0503 either:
    - (1) Within 10 days of the project application being deemed complete for the *condominium conversion*, for existing tenants; or
    - (2) Upon application for the rental of a unit in the proposed *condominium conversion* for prospective tenants.
- (b) The notices required in section 125.0431(a) shall include a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises*- following any payment of benefits due under Section 144.0505.  
(Amended 3-8-2004 by O-19266 N.S.)

**[To Be Added To The Land Development Manual, Vol. I, Submittal Requirements]**

Submittal Requirements for a Building Conditions Report for Condominium Conversions

- (a) Building Conditions Report for Condominium Conversions- The following shall be submitted in accordance with the requirements of Section 144.0503(b).
  - (1) An evaluation of the building for compliance with current health and safety standards and current editions of City adopted construction codes for the existing building foundation and walls, roofs, electrical systems, plumbing systems, mechanical systems, paved areas, and storm water drainage facilities;
  - (2) The existing condition of and current development requirement for recreational facilities and parking;
  - (3) A discussion of the actions taken to assure that plumbing, heating, electrical, and roofing systems are operating safely and efficiently;
  - (4) A discussion detailing the level of compliance with energy efficiency standards applicable to heating and cooling appliances and the building envelope surrounding each dwelling unit and common occupied areas;
  - (5) Scaled elevations that identify all proposed structural and cosmetic improvements of all building facades;
  - (6) A property facilities analysis that identifies the integral components of the building such as roofs, water heating systems, cooling and heating mechanical systems, and floor coatings protecting exterior wood flooring structures that are determined to have a remaining life of five years or less.
  - (7) A description of the building's current and proposed level of compliance with the accessibility standards in the prevailing edition of the California Building Code for disabled persons; and
  - (8) A list of improvements intended to be made to the premises.